**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
FOR FAILURE TO NOTIFY THE OFFICE OF A FOREIGN OR INTERNATIONAL  
FILING ( 37 CFR 1.137(f))**

Docket Number: APLE.P0035

First named inventor: **Barin G. Haskell, et al.**Application Number: **10/615,117**Group Art Unit: **2615**Filed: **7/7/2003**

Examiner:

**Title: Method and apparatus for Control of Rate-Distortion Tradeoff by Mode  
Selection in Video Encoders**

Attention: Office of Petitions

**Mail Stop Petition**

Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-1450

Fax: (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact  
Petitions Information at (703) 305-9282.

The above-identified application became abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to timely notify the Office of the filing of an application in a foreign country or under a multinational international treaty that requires publication of applications eighteen months after filing. The date of abandonment is the day after the expiration date of the forty-five (45) day period set in 35 U.S.C. 122(b)(2)(B)(iii).

PURSUANT TO 37 CFR 1.137(f), APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION  
UNDER 37 CFR 1.137(b)

**1. Petition fee**

☐ Small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1330 (37 CFR 1.17(m))

**2. Notice of Foreign or International Filing (35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c))**

Subsequent to the filing of the above-identified application, an application was filed in another country, or under a multinational international treaty (e.g., filed under the Patent Cooperation Treaty), that requires publication of applications eighteen months after filing. The filing date of the subsequently-filed foreign or international application is 10/31/2003.

03/30/2004 NGUYEN 00000121 10615117

01 FC:1453

1330.00 OP

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number: APLE.P0035

STATEMENT: The entire delay in filing the required notice of a foreign or international filing from the due date for the required notice until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

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3/24/04  
Date

[Signature]  
Signature

Telephone

Number: (650) 952-0990 x101Dag Johansen, Reg. No. 36,172

Typed or printed name

PO Box 51860

Address

Palo Alto, California 94303

City, State ZIP

- Enclosures: ☒ Fee Payment.  
☐ Additional sheets containing statements establishing unintentional delay.  
☒ Rescission Of Previous Nonpublication Request.  
☒ Other: Return Receipt Postcard

**CERTIFICATE OF MAIL OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

- ☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, Box 1450, Alexandria, VA. 22313-1450.  
☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

3/24/04  
Date

[Signature]  
Signature  
Dag Johansen  
Typed or printed name of person signing the certificate



PTO/SB/36 (05-03)

Approved for use through 04/30/2003. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>RESCISSION OF PREVIOUS NONPUBLICATION REQUEST(35 U.S.C. 122(b)(2)(B)(ii))AND, IF APPLICABLE,NOTICE OF FOREIGN FILING(35 U.S.C. 122(b)(2)(B)(iii))</b>  Send completed form to: <b>Mail Stop PG Pub</b> Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450 FAX: (703) 305-8568		<b>Application Number</b>		10/615,117
		<b>Filing Date</b>		7/7/2003
		<b>First Named Inventor</b>		Barin G. Haskell, et al.
		<b>Title</b>	Method and apparatus for Control of Rate-Distortion Tradeoff by Mode Selection in Video Encoders	
		<b>Atty Docket Number</b>		APLE.P0035
		<b>Group Art Unit</b>		2615
		<b>Examiner</b>		

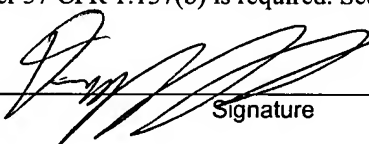
A request that the above-identified application not be published under 35 U.S.C. 122(b) (nonpublication request) was included with the above-identified application on filing pursuant to 35 U.S.C. 122(b)(2)(B)(i). I hereby rescind the previous nonpublication request.

If a notice of foreign or international filing is or will be required by 35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c), I hereby provide such notice. This notice is being provided no later than forty-five (45) days after the date of such foreign or international filing.

If a notice of subsequent foreign or international filing required by 35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c) was not filed within forty-five (45) days after the date of filing of the foreign or international application, the application is ABANDONED, and a petition to revive under 37 CFR 1.137(b) is required. See 37 CFR 1.137(f).

March 24, 2004

Date

  
Signature650-752-0990 x101Dag Johansen

Typed or printed name

**This request must be signed in compliance with 37 CFR 1.33(b).**

If information or assistance is needed in completing this form, please contact the Pre-Grant Publication Division at (703) 605-4283 or by e-mail at [PGPub@USPTO.GOV](mailto:PGPub@USPTO.GOV)

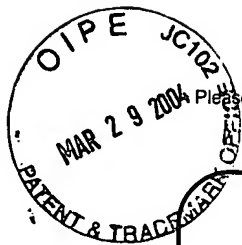
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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop PG Pub, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile ((703) 305-8568) transmitted to the U.S. Patent and Trademark Office on March 24, 2004.

  
Dag Johansen

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(b). The information is used by the public to rescind a previously filed request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that rescission). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop PG Pub, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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PTO/SB/21 (6-98) (modified)  
Approved for use through 09/30/00. OMB 0651-0031  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

<b>TRANSMITTAL FORM</b> <small>(to be used for all correspondence after initial filing)</small>	<b>Application Number</b>	10/615,117	
	<b>Filing Date</b>	7/7/03	
	<b>First Named Inventor</b>	Barin G. Haskell, et al.	
	<b>Group Art Unit</b>	2615	
	<b>Examiner Name</b>		
<b>Total Number of Pages in This Submission</b>		<b>Attorney Docket Number</b>	APLE.P0035

Enclosures (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Credit Card Payment Form <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Documents	<input type="checkbox"/> Assignment Papers (for an application) <input type="checkbox"/> Drawing(s) (* Sheets) <input type="checkbox"/> Response to Restriction Requirement <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Declaration accompanying the Petition <input checked="" type="checkbox"/> Postcard <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group <input type="checkbox"/> Proprietary Information <input checked="" type="checkbox"/> Other Enclosures (Listed below): <b>Revised Request to Rescind Previous Nonpublication Request</b>
<b>Remarks:</b>		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
<b>Firm Or Individual name</b>	Dag Johansen, Reg. No. 36,172 Stattler Johansen & Adeli LLP	
<b>Signature</b>		
<b>Date</b>	March 24, 2004	

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I hereby certify that this correspondence is being deposited with the United States Postal Services as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: 3/24/04			
<b>Typed or printed name</b>	Dag Johansen		
<b>Signature</b>		<b>Date</b>	March 24, 2004